

11/15/01  
11057 U.S. PTO

11-26-01

Please type a plus sign (+) inside this box ☒ Approved for use through 10/31/2002 OMB 0651-0032  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 30011-UT  
First Inventor William K. Summers  
Title Neuroceutical for Improving  
Memory and Cognitive Abilities  
Express Mail Label No. EV003479855US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing.)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 20]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ☐]
5. Oath or Declaration [Total Pages ☐]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Associate Power of Attorney;  
Request and Certification Under 35 USC 122(b)(2)(B)(i)

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_  
Prior application information Examiner \_\_\_\_\_ Group / Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

|         |                         |          |  |
|---------|-------------------------|----------|--|
| Name    | 05179                   |          |  |
|         | PATENT TRADEMARK OFFICE |          |  |
| Address |                         |          |  |
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| Country | Telephone               | Fax      |  |

|                   |              |                                   |                        |
|-------------------|--------------|-----------------------------------|------------------------|
| Name (Print/Type) | Katy C. Fain | Registration No. (Attorney/Agent) | 42,520                 |
| Signature         | Katy C. Fain |                                   | Date November 15, 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 487

## Complete if Known

Application Number  
Filing Date November 15, 2001  
First Named Inventor William K. Summers  
Examiner Name  
Group Art Unit  
Attorney Docket No. 30011-UT

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number 13-4213  
Deposit Account Name Peacock, Myers & Adams

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description        | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 101 740                       | 201 370                       | Utility filing fee     | 370      |
| 106 330                       | 206 165                       | Design filing fee      |          |
| 107 510                       | 207 255                       | Plant filing fee       |          |
| 108 740                       | 208 370                       | Reissue filing fee     |          |
| 114 160                       | 214 80                        | Provisional filing fee |          |

SUBTOTAL (1) (\$ ) 370

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid  
Total Claims 33 -20\*\* = 13 x 9 = 117  
Independent Claims 1 -3\*\* = 0 x 0 = 0  
Multiple Dependent

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  |
|-------------------------------|-------------------------------|--|
| 103 18                        | 203 9                         | Claims in excess of 20                                     |
| 102 84                        | 202 42                        | Independent claims in excess of 3                          |
| 104 280                       | 204 140                       | Multiple dependent claim, if not paid                      |
| 109 84                        | 209 42                        | ** Reissue independent claims over original patent         |
| 110 18                        | 210 9                         | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 117

\*\*or number previously paid, if greater. For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 105 130                       | 205 65                        | Surcharge - late filing fee or oath  |          |
| 127 50                        | 227 25                        | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130                       | 139 130                       | Non-English specification  |          |
| 147 2,520                     | 147 2,520                     | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112 920*                      | 112 920*                      | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*                    | 113 1,840*                    | Requesting publication of SIR after Examiner action                        |          |
| 115 110                       | 215 55                        | Extension for reply within first month                                     |          |
| 116 400                       | 216 200                       | Extension for reply within second month                                    |          |
| 117 920                       | 217 460                       | Extension for reply within third month                                     |          |
| 118 1,440                     | 218 720                       | Extension for reply within fourth month                                    |          |
| 128 1,960                     | 228 980                       | Extension for reply within fifth month                                     |          |
| 119 320                       | 219 160                       | Notice of Appeal   |          |
| 120 320                       | 220 160                       | Filing a brief in support of an appeal                                     |          |
| 121 280                       | 221 140                       | Request for oral hearing   |          |
| 138 1,510                     | 138 1,510                     | Petition to institute a public use proceeding                              |          |
| 140 110                       | 240 55                        | Petition to revive - unavoidable   |          |
| 141 1,280                     | 241 640                       | Petition to revive - unintentional   |          |
| 142 1,280                     | 242 640                       | Utility issue fee (or reissue)   |          |
| 143 460                       | 243 230                       | Design issue fee   |          |
| 144 620                       | 244 310                       | Plant issue fee  |          |
| 122 130                       | 122 130                       | Petitions to the Commissioner  |          |
| 123 50                        | 123 50                        | Processing fee under 37 CFR 1.17(q)  |          |
| 126 180                       | 126 180                       | Submission of Information Disclosure Stmt                                  |          |
| 581 40                        | 581 40                        | Recording each patent assignment per property (times number of properties) |          |
| 146 740                       | 246 370                       | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149 740                       | 249 370                       | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179 740                       | 279 370                       | Request for Continued Examination (RCE)                                    |          |
| 169 900                       | 169 900                       | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

### SUBMITTED BY

Name Print Type Katy C. Fain Registration No. 42,520 Telephone (505) 998-1505  
Signature Date November 15, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Practitioner's Docket No. 30011-UT

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: William K. Summers

Application No.: 0 / UNKNOWN

Group No.: UNKNOWN

Filed: November 15, 2001

Examiner: UNKNOWN

For: NEUROCEUTICAL FOR IMPROVING MEMORY AND COGNITIVE ABILITIES

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EV003479855US

Date of Deposit November 15, 2001

I hereby state that the following *attached* paper or fee

Utility Patent Application Transmittal

Fee Transmittal (in duplicate) with \$487 fee check

Specification (20 pp)

NO DRAWINGS

Combined Declaration and Power of Attorney (7 pp)

Application Data Sheet

Associate Power of Attorney

Request and Certification Under 35 USC 122(b)(2)(B)(ii)

Post Card

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Diane S. Nelson, Paralegal

Typed or printed name of person mailing paper or fee

*Diane S. Nelson*

Signature of person mailing paper or fee

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

|                      |   |  |
|----------------------|---|--|
| First Named Inventor | William K. Summers  |  |
| Title                | NEUROCEUTICAL FOR IMPROVING MEMORY<br>AND COGNITIVE ABILITIES |  |
| Atty Docket Number   | 30011-UT  |  |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 15, 2001

Date

Katy C. Fain  
Signature

Katy C. Fain, Reg. No. 42,520

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**